

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL FRANKS, an individual,

No. C 10-3880 CW

Plaintiff,

ORDER DENYING  
WITHOUT PREJUDICE  
DEFENDANTS' MOTION  
FOR SUMMARY  
JUDGMENT (Docket  
No. 39)

v.

AETNA LIFE INSURANCE COMPANY; THE  
SPRINT/UNITED MANAGEMENT COMPANY  
LONG TERM DISABILITY PLAN; and  
SPRINT/UNITED MANAGEMENT COMPANY,  
in its capacity as Plan  
Administrator,

Defendants.

For the reasons explained at the December 22, 2011 hearing,  
Defendants' motion for summary judgment is denied without  
prejudice, subject to refiling on or before January 23, 2012.

In advance of any further motion for summary judgment, the  
parties shall do the following. Defendants shall provide  
Plaintiff with a copy of the documents on which they rely in  
charging an offset. Plaintiff shall inform Defendants of the  
amount of social security benefits originally awarded to him and  
provide a copy of the award letter, if possible, as well as the  
basis for the award and any subsequent increases. If Plaintiff  
has lost the original award letter, Plaintiff shall make a good  
faith effort to secure documentation of the award from the Social  
Security Administration, and Defendants shall use the avenues at  
their disposal to secure the missing information from the SSA.  
The parties shall share this information with opposing counsel, as  
soon as they acquire it.

1 Before Defendants file a second motion for summary judgment,  
2 they shall meet and confer with Plaintiff's counsel regarding the  
3 correct benefit payment for each month at issue. If the parties  
4 have not resolved the dispute, Defendants may file their second  
5 motion for summary judgment, addressing the offset issue. Any  
6 motions relating to attorneys' fees, costs and interest may be  
7 made at a later date.

8 IT IS SO ORDERED.

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10 Dated: 12/23/2011

  
11 CLAUDIA WILKEN  
12 United States District Judge  
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